

March 5, 2015

VIA ECF

Hon. Ronnie Abrams
United States District Court
Southern District of New York
500 Pearl Street, Room 620
New York, NY 10007

Re: *Ludizaca et al v. GFB Restaurant Corp. et al.*
Case No. 13-cv-9180(RA)(MHD)

Dear Judge Abrams:

This letter is being jointly submitted by counsel for both parties. As of March 5, 2015, the parties have sent opt-in notices to all non-exempt back-of-the-house employees at Il Mulino New York on West Third Street and have received opt-in consent forms from seven additional plaintiffs. As a result, seven people have joined the four plaintiffs already in this action.

The parties have exchanged documents with respect to each of these opt-in plaintiffs, including payroll records and personnel files.

The parties are currently engaging in serious settlement negotiations with respect to the named and opt-in plaintiffs – defendants have provided a formal settlement proposal, the parties have discussed settlement methodologies, and plaintiffs are preparing a formal counter-proposal. We are hopeful that we will be able to reach a mutually agreeable settlement amount shortly.

We believe at this time that our best avenue to settlement is with respect to the opt-in plaintiffs, and therefore we respectfully request a 45 day extension of the deadline for the plaintiffs to file their motion for certification of a class action under Rule 23 from March 10, 2015 to April 24, 2015. This additional time will enable us to engage in meaningful negotiation. If these negotiations are not successful, the parties intend to request a referral to mediation.

In addition, we respectfully request that the fact discovery deadline currently set to expire March 10, 2015 be extended to 90 days following the decision with respect to any motion for class certification. The parties would like to, and will, focus their efforts on resolving this case without the need for the time and expense of class certification motion practice, time and expense that defendants believe will take away from our ability to settle this action.

Thank you for your consideration.

Respectfully submitted,
/s
Molly Smithsimon and Gregg Brochin
Counsel for Plaintiffs and Defendants, respectively